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Elections to fill vacancies in subsidiary organs and other elections: election of 47 members of the Human Rights Council

Note verbale dated 7 April 2006 from the Permanent Mission of Kenya to the United Nations addressed to the Secretary-General

The Permanent Mission of the Republic of Kenya to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to inform him that Kenya has decided to present its candidature to the Human Rights Council at the election to be held on 9 May 2006 (see annex).

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Annex to the note verbale dated 7 April 2006 from the Permanent Mission of Kenya to the United Nations addressed to the Secretary-General

Kenya: aide-memoire for the Human Rights Council

Kenya has decided to present its candidature for election to the United Nations Human Rights Council at the elections to be held by the General Assembly on 9 May 2006, pursuant to General Assembly resolution 60/251.

Kenya has been an active participant in the negotiations for the establishment of the Human Rights Council, both in New York and Geneva, and welcomes the establishment of the Human Rights Council as a significant step in the efforts by the international community to enhance the promotion and protection of human rights.

Kenya will continue to support all initiatives and reforms of the human rights machinery aimed at creating a stronger, efficient and less politicized organization that will promote human rights and respond promptly in cases of human rights abuse in any part of the world.

In this regard, the Government of Kenya makes the following pledges and commitments.

At the international level

- Kenya has played and will continue to play a pivotal role in mediation and resolution of regional conflicts with the strategic objective of establishing and nurturing suitable conditions for the promotion and protection of human rights. This objective is premised on Kenya's conviction that the enjoyment of human rights can only be guaranteed in conditions of peace, security and stability.
- One of the cardinal precepts of Kenya's foreign policy is that the promotion and protection of human rights must be diligently pursued in both bilateral and multilateral settings. Kenya will continue to pursue this policy in cooperation with the international community.
- As a demonstration of its commitment to the principle of international cooperation in the promotion and protection of human rights, Kenya served in the United Nations Commission on Human Rights from 1984 to 1986, 1992 to 1994 and 2001 to 2003 and was a member for the 2005-2007 period.
- Kenya continues to cooperate closely with the special procedures and mechanisms of the Commission by inviting Special Rapporteurs to visit Kenya and extending maximum cooperation to them in their valuable work.

Kenya embraces the principle of universal periodic review that will scrutinize Member States' human rights records. Kenya was among the first African countries to offer itself voluntarily for review under the African Peer Review Mechanism of the New Partnership for African Development, which evaluates members and recommends promotion and protection of human rights, good governance, rule of law and justice.

At the national level

- Kenya is party to almost all human rights instruments and pledges to continue submitting national reports to various regional and international treaty bodies.
- Kenya has endeavoured to match its international legal obligation with practical strategies and action plans at the national level, always guided by the principles of human dignity, non-discrimination, cooperation and equality for all.
- Kenya believes that all human rights are inherent, indivisible, interrelated and interdependent. The Constitution of Kenya guarantees the enjoyment of all rights without discrimination. The draft Constitution, which is still under discussion, grants the High Court unlimited jurisdiction in all cases of human rights violations.
- A new political dispensation was ushered in after the historic democratic elections in December 2002. The new Government, from the outset, placed the promotion and protection of human rights at the core of its domestic and foreign policy.
- A number of concrete steps to safeguard the civil and political rights of its citizens have been put in place. These include:
  - The opening up of space of unlimited participation by the people in the democratic process;
  - The creation of a Ministry of Justice and Constitutional Affairs, with the express mandate of promoting and protecting human rights and good governance;
  - The establishment of the Kenya National Commission on Human Rights, a statutory and independent body that acts as a watchdog to ensure the promotion and protection of human rights in the country;
  - The total liberalization of Kenya's airwaves in the true spirit of freedom of information and expression of opinion. Independent radio and television stations as well as local and international newspapers operate freely.
- Kenya has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading treatment or Punishment and has taken the necessary legislative and administrative steps to implement the provisions of the Convention.
- Kenya has ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts and has enacted a comprehensive Children's Act that domesticates obligations contained in the Convention on the Rights on the Child.
- Kenya has enacted the Gender Commission Act and established the National Commission on Gender to mainstream gender issues in all aspects of public life.
- Kenya has embarked on far-reaching measures to strengthen the judiciary to ensure an independent, effective and efficient institution that is essential for a just, transparent and accountable Government. The Government has established more courts in all parts of the country.

- The Government has put in place a sound legal and institutional framework for the investigation, prosecution and punishment of those involved in corruption. The Anti-Corruption and Economic Crimes Act, 2003, and the Public Office and Ethics Act, 2003, have been enacted with the aim of protecting public resources from theft, wastage and plunder, thereby making them available for poverty alleviation programmes.

- Kenya has adopted universal free primary education with a view to realizing the right to education. Similar efforts are being undertaken in other areas, including health and housing.